

AP/3726

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Eugene S. Dudash et al.

Group Art Unit: 3726

Serial No.: 09/820,147

Examiner: J. Cozart

Filed: March 28, 2001

For: ATTACHMENT OF HEAD REST GUIDE  
TUBE TO VEHICLE SEAT FRAME

Attorney Docket No.: LEAR 0847 PUS

#15  
Reply Brief  
J. Cozart  
12/12/02

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REPLY BRIEF

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Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

Sir:

This is a Reply Brief in response to the Examiner's Answer, which was mailed October 1, 2002.

Regarding the Examiner's Response to Argument, appellants respectfully maintain that the combination of applicants' admitted prior art (AAPA) and U.S. Patent No. 3,286,539 to Loper et al. is improper. Contrary to the Examiner's assertion, Loper et al. '539 is not "reasonably pertinent to the particular problem with which the appellant was concerned". As noted in the Appeal Brief, AAPA is directed to the problem of attaching a head rest guide tube to a seat back frame, while Loper et al. '539 is directed to securing dished pulley halves together such that the pulley halves are resistant to separation. Furthermore, appellants respectfully disagree with the Examiner's assertion that the process disclosed in Loper et al. '539 is "exactly what appellants' invention is directed towards." Neither one of the pulley halves 10 of Loper et al. '539 is a seat back frame, nor is the tubular hub element

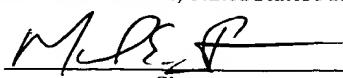
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13 attached to only one of the pulley halves 10. Instead, the hub element 13 is used to press fit the pulley halves 10 together. (See column 2, lines 10-20).

In addition, as noted in the Appeal Brief, AAPA discloses welding head rest guide tubes to a seat back frame, and, therefore, teaches away from the process taught by Loper et al. '539. Therefore, one skilled in the vehicle seating art, armed with the knowledge of AAPA, would not be motivated to look to Loper et al. '539 for a solution to the problem of attaching a head rest guide tube to a seat back frame.

The Examiner has also asserted that "swaging is considerably well known and is used as an alternate means of attaching members to one another", but he has not cited any reference that discloses swaging a head rest guide tube to a seat back frame.

For the reasons presented above, as well as reasons presented in the Appeal Brief, the final rejection of claims 13-18 should be reversed.

No additional fee is believed to be due as the result of the filing of this paper. However, any additional fees or credits should be applied to Deposit Account 02-3978 as authorized by the original transmittal letter in this case.

Respectfully submitted,

**Eugene S. Dudash et al.**

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